

# Sumter City-County Board of Appeals

August 11, 2010

## BOA-10-22, 958 Edgar Drive (City)

### **I. THE REQUEST**

**Applicants:** Christine and John Whigham

**Status of the Applicants:** Property Owners

**Request:** A variance from Article 3 Section 3.b.5 Development Standards for R-9 zoning district in order to construct an addition to the rear of the house.

**Location:** 958 Edgar Drive

**Present Use/Zoning:** Residence

**Tax Map Reference:** 226-05-01-070

### **II. BACKGROUND**

The applicant is proposing an addition (master bedroom & garage) to their existing home located at 958 Edgar Drive. Because of the awkward shape of the parcel, the property owners are asking for a variance of 20 feet from the rear setback requirements so that the proposed addition can be built.

***Right:*** Aerial view of parcel and layout of existing home. The parcel is a corner lot with the home facing Edgar Drive.





*Above, view of home from Edgar Drive.*

**Sumter County Zoning Ordinance, Article 3 Section 3.b.5 Yard and Building Set Back Requirements (minimum) :**

R-9 District

Front	35 ft.
Interior Side	10 ft.
Exterior Side (Jonathan St.)	17.5 ft.
Rear	25 ft.



*Above:* A diagram showing the placement of the addition on the parcel, within the context of the surrounding parcels.



The applicant is requesting a twenty foot (20') variance from the rear setback requirements for R-9. The side setback requirements are 50% of the front setback on a corner lot, so the proposed addition will meet the 17.5 foot setback to the property line on Jonathan St.



***Above:*** Proposed location of addition at rear of home.

***Below:*** Photo showing location of rear corner of addition in proximity to the fence, which is the assumed property line.



### **III. FOUR-PART TEST**

- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property.***

There are extraordinary and exceptional conditions pertaining to this particular piece of property. The parcel is an awkwardly shaped corner lot and there is no other logical location to build an addition to the rear of the house. The house is setback deep into the lot and orientated parallel to Edgar Street leaving an irregular shaped buildable rear yard. It is not feasible to add on to the end of the house due to the original floor plan of this house. Therefore, it is necessary for the addition to be located as shown, due to the shape of the parcel.

- 2. These conditions do not generally apply to other property in the vicinity.***

The parcel in question is a corner lot with a shallow depth to the rear. The corner lot across the street, for example, appears to have a deep rear lot area, so this condition would not apply to that parcel. The other interior adjacent parcels also appear to be deep enough to accommodate possible structural additions.

- 3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.***

Application of the ordinance does limit the utilization of this property. Without this variance, the property owners will not be able to construct an addition to their home.

- 4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.***

The authorization of a variance will not substantially impact adjacent properties or the public good, or harm the character of the district. The proposed addition is located to the rear of the house. The adjacent parcel is undeveloped at this time. If future construction should take place, the location of the home could accommodate the placement of this addition, so that they would not be too close in proximity.

### **IV. STAFF RECOMMENDATION**

Staff recommends approval of BOA-10-22. The applicant has no alternative for adding on to the home, other than proposed location shown on the site plan.

### **V. DRAFT MOTIONS for BOA-10-22**

- A. I move that the Zoning Board of Appeals approve BOA-10-22, subject to the findings of fact and conclusions attached as Exhibit I.**

B. I move that the Zoning Board of Appeals deny BOA-10-22 subject to the following findings of fact and conclusions.

C. I move that the Zoning Board of Appeals enter an alternative motion for BOA-10-22.

**VI. ZONING BOARD OF APPEALS – August 11, 2010**

The Sumter City-County Board of Appeals at its meeting on Wednesday, August 11, 2010, voted to approve this request subject to the findings of fact and conclusions attached as exhibit 1.

**Exhibit 1**  
**Order on Variance Application**  
**Sumter Board of Appeals**

**BOA-10-22, Christine and John Whigham**  
**958 Edgar Dr.**  
**August 11, 2010**

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Date Filed: August 11, 2010

Permit Case No. BOA-10-22

The Sumter Board of Appeals held a public hearing on Wednesday, August 11, 2010 to consider the appeal of Christine and John Whigham, 958 Edgar Dr., Sumter, SC for a variance from the strict application of the Zoning Ordinance as set forth on the Form 3 affecting the property described on Form 1 filed herein. After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

1. The Board concludes that the Applicant ☒ **has** - ☐ **does not have** an unnecessary hardship because there are extraordinary and exceptional conditions pertaining to the particular piece of property based on the following findings of fact:

There are extraordinary and exceptional conditions pertaining to this particular piece of property. The parcel is awkwardly shaped and is very narrow and angled to the rear.

2. The Board concludes that these conditions ☐ **do** - ☒ **do not** generally apply to other property in the vicinity based on the following findings of fact:

The adjacent residential parcels are of more conventional shapes for development and appear to be suitable for additions to the rear of the homes.

3. The Board concludes that because of these conditions, the application of the ordinance to the particular piece of property ☒ **would** - ☐ **would not** effectively prohibit or unreasonable restrict the utilization of the property based on the following findings of fact:

Application of the ordinance does limit the utilization of this property. The property owner cannot construct an addition to the residence without a variance to the rear setback.

4. The Board concludes that authorization of the variance ☐ **will** - ☒ **will not** be of substantial detriment to adjacent property or to the public good, and the character of the district ☐ **will** - ☒ **will not** be harmed by the granting of the variance based on the following findings of fact:

The authorization of a variance allow the property to be developed in the best method available for the applicant. The addition will not harm the character of the neighborhood or impact any adjacent homes.

THE BOARD, THEREFORE, ORDERS that the variance is ☐ **DENIED** – ☒ **GRANTED**,  
**subject to the following conditions:**

Approved by the Board by majority vote.

Date issued: \_\_\_\_\_

\_\_\_\_\_  
Chairman

Date mailed to parties in interest: \_\_\_\_\_

\_\_\_\_\_  
Secretary

**Notice of appeal to Circuit Court must be filed within 30 days after date this Order was mailed.**